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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-fourth session

SUMMARY RECORD OF THE 1307th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 2 March 1999, at 3 p.m.

Chairman: Mr. ABOUL-NASR

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Ninth and tenth periodic reports of the Republic of Korea (CERD/C/333/Add.1)

1. At the invitation of the Chairman, Mr. Jong Hoon Kim, Mr. Ho Young Ahn, Mr. Kang-Il Huh and Mr. Jae Hoon Lim (Republic of Korea) took places at the Committee table.

2. Mr. Jong Hoon KIM (Republic of Korea), introducing his country's report (CERD/C/333/Add.1), assured the Committee that its comments would serve as a source of inspiration for the promotion and protection of human rights in the Republic of Korea.

3. The questions raised during the consideration of the eighth report and the Committee's concluding observations (CERD/C/304/Add.12) had been given due attention in the preparation of the current report. The Republic of Korea had made the declaration under article 14 of the Convention on 3 March 1997. All duly ratified international treaties and instruments, including the Convention, were directly applicable under Korean domestic law. However, the possibility of enacting additional legislation to ensure more effective implementation of the Convention had not been ruled out. As the Republic of Korea was ethnically homogeneous, there had been little need in the past to address the issue of racial discrimination, which was why article 11 (1) of the Constitution, which prohibited discrimination on grounds of sex, religion and social status, made no reference to racial discrimination. It was accepted, however, that the list was not exhaustive and that racial discrimination was also strictly prohibited under the terms of that article.

4. The Republic of Korea had ratified the six major United Nations human rights instruments, including the two Covenants.

5. With regard to article 4, the Republic of Korea maintained its position that existing constitutional safeguards and domestic legislation were sufficient for its full implementation. For example, an act of racial discrimination was punishable under articles 307 and 308 of the Penal Code concerning defamation and under article 311 concerning libel. However, the adoption of additional legislation for the effective implementation of article 4 might be envisaged if circumstances so required.

6. The inauguration of President Kim Dae-Jung, a lifelong advocate of human rights and democracy, in February 1998 had been a milestone in Korean history. It was the first transferral of power from the ruling party to the opposition since the founding of the Republic of Korea 50 years previously. The new Government had taken concrete steps to bolster national human rights protection machinery, including preparations for the enactment of a human rights bill and the establishment of an independent human rights institution by the end of 1999. The human rights bill strictly prohibited discrimination, inter alia on grounds of race, religion, political views, gender and mental or physical disability.

7. The Government had ratified two core International Labour Organization (ILO) Conventions on 4 December 1998: Convention No. 111 concerning Discrimination in Respect of Employment and Occupation, and Convention No. 138 concerning Minimum Age for Admission to Employment. Ratification of the former reflected the Government's commitment to eliminating discrimination against foreign workers. In October 1998, the Government had decided to extend the coverage of the Labour Standards Act to illegal foreign workers, who now enjoyed the same benefits and protective measures as Korean workers. The Foreigners Land Acquisition Act had been amended on 15 May 1998 to abolish discriminatory elements and give foreigners the same status as Koreans in terms of land acquisition rights and obligations. The Nationality Act had been amended on 13 December 1977 to allow a person to obtain Korean nationality if either parent - not just the father, as before - had been a Korean national at the time of his or her birth.

8. The Korean Government was committed to the harmonious combination of three basic tenets in building the country's future: democracy, a free market economy and respect for human rights. It conceded that there was room for improvement and hoped that the Committee's suggestions would expand the scope of human rights awareness in the country. Since joining the United Nations in 1991, the Republic of Korea had participated actively in the promotion of human rights, both regionally and internationally. The present report continued a trend whereby it had established itself as a responsible member of the international community.

9. Mr. van BOVEN (Country Rapporteur), warmly welcomed the accession of Mr. Kim Dae-Jung to the office of President of the Republic of Korea, having signed a petition for his release from prison at a time when the Korean authorities had sentenced him to death for his human rights activism and opposition to repression.

10. Expressing appreciation of the State party's regular compliance with its reporting obligations, he said that the report was somewhat more substantial than its predecessor but was not fully satisfactory in terms of follow-up to the Committee's concluding observations of August 1996. Although such observations were not mandatory, they reflected the collective opinion of the members of the Committee and should be taken particularly seriously. He welcomed the fact that the Republic of Korea had ratified the amendments to article 8 of the Convention and made the declaration under article 14.

11. The Committee had noted in its concluding observations that neither the Constitution nor the law of the Republic of Korea explicitly prohibited racial discrimination and had recommended that constitutional and legislative measures should be taken to remedy that omission. He was not convinced by the reasons given in paragraphs 7 to 10 of the report for the authorities' failure to act on the recommendation, namely, the status of the Convention in domestic law; its primacy over incompatible provisions of previously enacted legislation; the absence of complaints of racial discrimination; and the fact that the Republic of Korea had made the declaration under article 14 of the Convention. Regardless of the status of the Convention in domestic law, it was not self-executing and implementing legislation was required not only to make certain acts punishable, especially those prohibited under articles 2

and 4, but also to serve the preventive and educational aims of the Convention. Although it might be largely true that the Republic of Korea was an ethnically homogeneous country, the interests of legal and illegal foreign workers, ethnic Chinese, citizens of other nationalities and mixed-race families needed to be protected by legislation. According to paragraph 11 of the report, only 322 persons had been naturalized Koreans during the period from January 1995 to July 1997. The Committee had noted with concern in its concluding observations that people of foreign origin, particularly Chinese, tended to suffer discrimination, for example in regard to access to citizenship and employment in some large companies. States admittedly had a sovereign right to grant or withhold citizenship but it was only fair for long-time residents and taxpayers to be permitted to obtain naturalization if they so wished. He welcomed the amendment to the Nationality Act to allow a person with a Korean mother to obtain Korean citizenship.

12. He was also pleased to hear that a national human rights institution was to be established by the end of 1999. He recommended that the Republic of Korea should take advantage of the advice and expertise of the Office of the High Commissioner for Human Rights in that connection.

13. Article 3 of the Convention concerned not only the former apartheid regime in South Africa but racial segregation in general. He drew attention to the Committee's General Recommendation XIX on the broader meaning of that article.

14. The Committee did not share the Korean authorities' view that the existing provisions of the Penal Code were sufficient to ensure effective implementation of article 4, and he referred them to its recommendation in paragraph 19 of its previous concluding observations. Drawing attention to paragraph 23 of the report, he said that the declaration under article 14 was no substitute for the legislation required under article 4.

15. While he was pleased to note that the latest report contained far more detailed information concerning article 5, he regretted the focus on subparagraph 5 (e) (i) concerning labour conditions to the exclusion of other forms of economic, social and cultural discrimination. He asked whether the Consulting Centre for Foreign Workers mentioned in paragraph 28 of the report was the same institution as the complaint centres in immigration control centres that the Committee had welcomed in paragraph 7 of the concluding observations.

16. The industrial "trainees" referred to in paragraphs 30 and 31 of the report had been a matter of concern for many years. Generally perceived as a cheap industrial labour force from poorer Asian countries, they allegedly lived under harsh conditions and were involved in labour that was dirty, dangerous and difficult. The guidelines mentioned in paragraph 30 had already been welcomed in the previous concluding observations. He was concerned about the statement in paragraph 31 that "in case that industrial 'trainees' are paid for their labour, eight provisions of the Labour Standards Act apply to them". The implication was that "trainees" were not always paid for their labour and that those who were unpaid did not enjoy the benefits of the Labour

Standards Act. He also wished to know whether "trainees" could take legal action to assert their rights and whether they had access to basic health services.

17. He noted that there were far more "illegal" (he preferred the term "undocumented") than "legal" foreign workers in the Republic of Korea. Referring to paragraph 3 of the concluding observations, he asked whether more effective measures could be taken to regularize the status of such workers, particularly those who had been in the country for some time. He wondered whether ILO Convention No. 111 would also apply to illegal workers. With reference to paragraph 6 of the concluding observations, had a work permit in fact been introduced for such workers? In general, the situation of foreign "trainees" and of the growing number of clandestine workers remained a source of concern for the Committee.

18. More information was needed on the implementation of the remaining provisions of article 5, especially 5 (e) (iii), (iv) and (v). Lastly, he asked whether there was any truth in reports that Korean women married to asylum seekers experienced difficulties in the area of employment and that asylum seekers from Africa had also experienced difficulties, as well as substandard treatment in the centres where they were placed.

19. Under the section of the report on article 6, he requested information on the practical application of the remedies listed in paragraph 37. With reference to paragraph 38, he asked whether the word "individual", which normally referred only to natural persons, was intended to include legal persons such as corporations.

20. With regard to article 7, he asked whether the training courses referred to in paragraph 42 were also available to law enforcement officials such as the civil and military police, and to prison guards, as suggested in the Committee's General Recommendation XIII.

21. He asked whether the schools for foreigners mentioned in paragraph 45 of the report were funded by the respective communities or by the public authorities. The reason why the rate of increase in the number of foreign schools did not match the rate of increase in the number of foreign nationals was reported in paragraph 47 to be that foreign workers seldom took children with them to Korea. Were they in fact allowed to take their families with them?

22. The Government of Korea had stated in paragraph 48 of the report, in response to paragraph 14 of the concluding observations that there was no discrimination against ethnic Chinese in terms of equal opportunities, but he wondered how they were treated in other areas. Even those born and raised in Korea were said to be unable to obtain citizenship and, according to a 1997 United States Department of State report, many had emigrated since the 1970s. He welcomed the Government's response, in paragraph 49 of the report, to the Committee's concerns about the children of mixed parentage, particularly Amerasian children, but the same State Department report took a less optimistic view, finding that Amerasians were nevertheless subject to informal discrimination and found it less easy to succeed in academic and business life, for example.

23. Mr. VALENCIA RODRÍGUEZ welcomed the fact that the Convention could be invoked directly before the courts and took precedence over domestic legislation. Article 37 (1) was another important constitutional provision. He also welcomed Korea's declaration under article 14.

24. He appreciated the information on demographic composition and the constitutional provision that foreigners' status was guaranteed in accordance with international law, which he took to mean that discrimination against foreign nationals was prohibited. It was gratifying to note Korea's accession to the six major international human rights instruments, although no law had been enacted to comply with article 2 of the Convention. Information was needed on any measures taken to improve the situation of more disadvantaged racial groups.

25. He said it would be necessary to see the legal texts described in the report as giving effect to article 4 of the Convention, pointing out that, while racial discrimination could indeed be subsumed under the offences of defamation and libel, all States parties nevertheless had an obligation to implement article 4 (a) and (b).

26. Observing that the overriding principle was that discriminatory treatment of foreigners on grounds of nationality should be prohibited by law, he applauded the establishment of the "Consulting Centre for Foreign Workers" and the humanitarian protection measures for illegal foreign workers. The Committee should be kept informed of any developments concerning all groups of foreign workers.

27. With regard to article 6, it would be useful to see the legal texts referred to in paragraph 36 of the report and to have information on any recourse to the remedies mentioned in paragraph 37. The constitutional provision mentioned in paragraph 38 (iii) appeared to be limited to bodily injury resulting from a crime; he asked for a description of the remedies available in cases where discrimination did not result in bodily injury.

28. Turning to article 7, he recommended that the Government should publish its periodic report and the Committee's observations, as part of its information programme, and that it should continue to provide the Committee with information on the programmes mentioned in paragraphs 41 to 44 of the report. Lastly, he asked whether the language of instruction in the schools for foreigners was Korean or the respective foreign languages.

29. Mr. de GOUTTES commended the Government of Korea on the prompt submission of its report and on its plans to establish a national human rights institution.

30. With foreigners accounting for only 0.37 per cent of the population and only 322 naturalizations between 1995 and 1997, Korean society was indeed racially homogeneous. That, according to the authorities, meant that there was no racial discrimination and no need for special legislation, and explained why there were no complaints of racial discrimination to the courts or the authorities. They had stated their readiness to take measures if and when it become necessary and were making commendable efforts to prevent racial discrimination. The Committee's thinking, however, was that the Government's

position did not enable it to meet its obligations under articles 2 and 4 of the Convention. Even in the absence of any incidents of racial discrimination, special legislation was necessary and even the broadest constitutional provision and the Government's declaration under article 14 were no substitute for domestic mechanisms and legislation.

31. Convinced as he was of the Government's good intentions and willingness to take further steps to implement the Convention fully, he trusted that, at their next meeting, the delegation would be able to report on supplementary measures to implement articles 2, 4 and 6.

32. Ms. SADIQ ALI requested information on the demographic composition of illegal workers in Korea, asking how they entered the country and whether Koreans believed their own rights to be threatened by such workers.

33. Mr. YUTZIS said that it was clear from the figures in the report that the homogeneity of Korea's population could no longer form the basis for arguing that there was no need for domestic legislation to implement the Convention. The ever-increasing numbers of foreign workers were already beginning to erode that homogeneity.

34. He enquired about the large discrepancy between the total numbers of foreign nationals resident in Korea and of legal foreign workers. According to the figures in paragraphs 11 and 31 of the report, only about 25 per cent of the nearly 27,000 United States nationals were legal workers.

35. He asked what was meant in paragraph 32 by "liquidation of overdue payment", translated into Spanish as "liquidación del pago de las horas extraordinarias". If it was overtime that was being paid, then it might not be a protective humanitarian measure but a legal requirement; if not, and there was some mistake, say in translation, were they some form of compensation to supplement illegal workers' low wages? He also requested information on the extent to which the measures mentioned in paragraph 32 (iii) were in fact implemented.

36. There was an apparent contradiction of terms regarding the children of mixed marriages. Paragraph 49 stated that they had never been subject to institutional discrimination and that informal discrimination was decreasing, but the United States Department of State report, quoted by Mr. van Boven, and other reports, spoke of significant informal discrimination. If discrimination was not specifically prohibited - in other words, was permitted - by the State and the State failed to take all necessary measures to eliminate discrimination in all its forms, that effectively amounted to institutional discrimination.

37. Mrs. ZOU questioned the repeated assertion that Korea was an ethnically homogeneous country; there were many ethnic Chinese and ethnic Japanese resident in Korea, and economic development was bringing an influx of foreigners, particularly Filipinos and Indians. The Korean authorities needed to reconsider the validity of their belief that Korea was ethnically homogeneous.

38. Paragraph 11 listed Chinese and Taiwanese separately under "foreign nationals residing in the Republic of Korea". Since Taiwanese were also Chinese, however, that brought the total number of Chinese nationals resident in Korea to over 55,000. With only 553 Chinese listed as "legal foreign workers" what were the other 50,000 Chinese doing? Were they involved in commerce or agriculture or other spheres?

39. Paragraph 11 gave the number of citizens naturalized as Koreans, but gave no indication of their original provenance. Having become Korean nationals, were they subject to equal treatment, for instance in employment, with those born Korean nationals; could they work in government organizations and large enterprises? She would like further details.

40. With regard to article 4 and the statement that there was no racial discrimination in Korea, she disputed the assertion that any problems of discrimination could be resolved, in particular, through the Penal Code provisions on information. The Korean Government needed to bring its penal laws into line with the requirements of article 4.

41. In 1996, when presenting their report, the Korean representatives had said that they would provide a breakdown of figures for illegal workers and that the latter were to be given work permits, but the report mentioned nothing of that nature; what was the current situation?

42. Were the 34 Chinese schools mentioned in paragraph 45 providing full-time education? Was Chinese the only language of instruction? If so, surely the students would have difficulty integrating into the Korean community?

43. Mr. GARVALOV said that the report was more informative than in previous years, and he particularly welcomed the measures mentioned in paragraph 4 to promote democratization and human rights, although he shared the concerns of previous speakers.

44. Although paragraph 21 cited article 11 of the Constitution as the basis for protection against racial discrimination, the Constitution made no explicit mention of racial discrimination or the imperative to prevent it. It must therefore be concluded that paragraph 21 was an attempt to interpret article 11 of the Constitution, but such interpretation might in fact detract from the value of the constitutional provisions. The admission in paragraph 6 that racial discrimination was not specifically referred to by the Constitution was contradicted by the subsequent statement that the subject was "covered in a comprehensive manner by article 37 (1) of the Constitution". Paragraph 7 was again contradictory: given that the Convention was "not directly stipulated in the Constitution", and had been promulgated and ratified by the executive, not the legislative, branch of the Government, did it in fact have the authority of domestic law? If the Convention automatically had greater authority than a discriminatory law enacted prior to the Convention's ratification, surely paragraph 8 should read "any such law shall be deemed as unconstitutional".

45. The statement in paragraph 9 that no complaint of racial discrimination had been brought led him to ask whether in fact aliens had not been subjected

to any kind of racial discrimination or whether they were unaware of their rights under the Korean Constitution and the codes and acts cited in paragraph 36. Did aliens have free and unimpeded access to the courts of law to seek redress? The issue of homogeneity had already been questioned, but paragraphs 48 and 49 gave other causes for concern: the discussion of possible discrimination against ethnic Chinese was limited to economic opportunities, whereas discrimination had a much broader compass; and the prejudice against children of mixed parentage had not yet been altogether eliminated.

46. Mr. FERRERO COSTA said that two particular points warranted repetition as being fundamental to the Committee's continuing dialogue with the Republic of Korea. One was that there were no specific constitutional or legislative provisions prohibiting acts of racial discrimination, as was the case in most States. Paragraph 6 of the report referred generically to the rights and freedoms of citizens, even those "not enumerated in the Constitution", and article 11 (1) of the Constitution had been described orally as being "accepted as exemplary, and ... neither intended nor interpreted as exhaustive", but the claim that racial discrimination was strictly prohibited was undermined by the fact that in paragraph 21 of the report, quoting article 11 (1), other specific grounds for discrimination were expressly mentioned. Why, in that case, was race not mentioned? Paragraphs 35 and 36 were also generic and failed to give any concrete information. Articles 12, 26, 27, 28 and 29 of the Constitution were said to refer to "protection and remedies for damages suffered as a result of such discrimination", but that was presumably also a generic understanding. More information would be useful. Could the delegation specify the "other basic laws" of national legislation cited in paragraph 36? How did the various codes and procedures protect citizens from racial discrimination? What measures did they include?

47. The other point concerned article 4 of the Convention and the claim that the existing constitutional safeguards and domestic legislation were sufficient for a complete implementation of that article. In fact, States parties were expressly required under article 4 to implement specific legislation, even where they considered that no discrimination existed. He welcomed the statement that the authorities would consider taking further legislative measures if future situations so required, but pointed out that, article 4 was intended also as a preventive measure and should not depend on the perceived situation of racism in the State.

48. Both those points were related to two central recommendations in the Committee's concluding observations on the previous report. He welcomed Korea's willingness to pursue its dialogue with the Committee, and the new Government's increased interest in human rights under the leadership of President Kim Dae-Jung. Observing, however, that both the written and oral reports demonstrated substantial differences with the tenor of the Convention, he hoped that the Korean authorities would seriously consider the Committee's concerns and be able to report on progress on the next occasion.

49. On article 7, what were the "measures and efforts to eliminate racial prejudices and discrimination", mentioned in paragraph 39? What efforts had the Government made to inform its citizens of the content of the Convention, and specifically what was it currently doing to eliminate racial

discrimination in Korea? The human rights symposium mentioned in paragraph 44 was laudable, but none of the topics mentioned covered racial discrimination, and even if they had, one symposium a year was surely not adequate in so populous a country. He inquired about the nature of the proposed national human rights institution, and whether its composition would include representatives of civil society as well as of government bodies?

50. Mr. SHAHI expressed his appreciation of the introductory statement and commended the fact that the Convention was directly applicable under Korean law and that the Government did not exclude the possibility of further legislative measures. While accepting the assurance that the Korean Constitution was neither intended nor interpreted as exhaustive, he pointed out that Korea had acceded to six major international human rights treaties and was preparing to establish a national human rights body, and there was in fact room for further legislation for more effective implementation of article 4.

51. The figures given for foreign residents, identified illegal foreign workers and legal foreign workers left around 24,000 people unaccounted for. Did that include United States servicemen resident in Korea? From the figures given for illegal foreign workers it appeared that 22,000 Chinese were illegal workers and of 13,000 Japanese residents only 1,551 were legal: could it be that the vast majority were illegal? If so, that highlighted the importance of specific anti-discrimination legislation, which included not giving special preference to certain ethnic groups.

52. He was pleased to hear that the Korean Government was giving greater attention to the situation of foreign workers, that Korea had ratified ILO Conventions No. 111 and No. 138 and that men and women were now treated equally with regard to acquisition of nationality by birth. On the whole, he agreed that the Korean Government had shown a strong commitment to achieving respect for human rights; he hoped, however, that the Committee's comments would be taken into account in the next report.

53. Mr. Jong Hoon KIM (Republic of Korea), replying to the Committee's questions about the statistics on foreign residents, said that members had rightly drawn attention to the discrepancy between the figures on foreign nationals residing in the Republic of Korea and those on legal foreign workers. The reason was that under his country's immigration law, any foreigner, whether working or not, who stayed in Korea for more than 90 days was required to apply to the immigration authorities for an extended-stay or residence permit, which could be issued at diplomatic missions abroad prior to arrival in Korea or after arrival within a certain period of time. Foreigners who stayed less than 90 days were regarded as being in transit or tourists and did not require a special permit. Consequently, "resident" meant persons living in Korea for more than 90 days. There were seven categories of such foreigners. For example, category (a) covered diplomats and other foreign officials working in Korea. Legal foreign workers, who fell under category (e), did not constitute the majority of legal foreign residents in Korea. Representatives of foreign companies came under category (d); they too could be said to be working, but as they were counted under another category, they were not regarded as foreign workers, because their extended-stay status was different from that of foreign workers in category (e). That legal

workers accounted for perhaps only one tenth of the overall total of 169,453 legal foreign residents did not, therefore, mean that nine tenths of foreigners in Korea were illegally employed, but simply that only one tenth fell under category (e) and were therefore considered to be foreign workers.

54. With regard to illegal foreign workers, he had tried to obtain statistics updating the figure of 129,054 persons as at the end of 1996, given in paragraph 32, but had been informed by his authorities that it was virtually impossible to identify who was legal and who was not, because persons found to be illegally present in Korea were required to return to their countries of origin or legalize their situation. He did not know how it had been possible to arrive at such a precise figure. He would provide further information on the subject at the next meeting.

55. Concerning naturalized persons, he said that 149 persons had been naturalized in 1998, 193 in 1997, 131 in 1996, 93 in 1995, 101 in 1994 and only 71 in 1993. Of the 149 persons naturalized in 1998, 16 had been from Japan, 20 from China, 2 from the United States and 19 from other countries. Of course, Korea maintained its one-China policy, but as far as individual nationality was concerned, some persons gave their nationality as Taiwanese; there were 92 such cases. The figures for naturalizations were low, but were on the increase. Such persons experienced no discrimination in finding employment or in becoming members of the Korean community. He cited the example of a naturalized German who had taken a Korean name and become a popular television star. Today it was not uncommon to encounter naturalized persons, which showed that Korean society was opening up to foreigners.

55. Regrettably, there was no specific clause in the Korean Constitution prohibiting discrimination on the basis of race or colour. There had been nine amendments to the 1948 Constitution, and if another opportunity arose to make an amendment, such a clause would certainly be taken into consideration by his Government. In that connection, his Government had the intention to include in the human rights bill currently being drawn up, an article strictly prohibiting discrimination on the basis of race, colour or origin.

The delegation of the Republic of Korea withdrew.

ACTION BY THE GENERAL ASSEMBLY AT ITS FIFTY-THIRD SESSION (agenda item 6)

(b) EFFECTIVE IMPLEMENTATION OF INTERNATIONAL INSTRUMENTS ON HUMAN RIGHTS (continued) (A/53/432)

56. The CHAIRMAN, inviting the Committee to resume its consideration of the item, recalled that, in addition to the report of the persons chairing the human rights treaty bodies on their tenth meeting, contained in a Note by the Secretary-General (A/53/432), the Committee had before it the draft proposal for a Global Plan of Action to strengthen the implementation of international human rights instruments (document distributed at the previous meeting, in English only).

57. Mr. BANTON said that he wished to make it clear in regard to the resource question that the issue, as he saw it, was one of resources additional to present resources, and that it was not, therefore, appropriate

for the relevant paragraphs to include matters presently covered by the High Commissioner's resources, which must continue to be safeguarded. The Committee might wish to include a reference to the importance of that fact in any observations. He agreed with Mr. van Boven that a statement of needs should take priority over staffing. That should include needs of Committee members and of States parties and also of the public at large, i.e. everyone who contacted the Office of the High Commissioner and who knew about the Committee's work and its plans for the future.

58. Mr. VALENCIA RODRIGUEZ agreed with other members that the report of the tenth meeting of chairpersons of treaty bodies repeated several points of recommendations adopted at earlier meetings of the chairpersons. That meant that they were underscoring matters of importance to the smooth functioning of the treaty bodies. It was essential in that context to draw attention to paragraph 11 of that report: the meeting had been one of the first opportunities for the chairpersons to meet representatives of States parties to discuss ideas for enhancing the work of the treaty bodies. It was worth mentioning that there had been 55 States parties represented at the meeting.

59. Regarding the draft proposal for a Global Plan of Action, he agreed with other members that there was a need for amendments to introduce the problematic aspects of interest to the treaty bodies in general and that the question of allocating resources for Secretariat staff should not be given such prominence.

60. Notwithstanding the difficult financial situation of the Organization, it was important to draw attention to the need to allocate sufficient resources so that the treaty bodies, particularly the Committee, could carry out their work properly and efficiently. In that connection, there was agreement on amending article 8 of the Convention; it should be made clear to the States parties how important that was for the work of the Committee.

61. Initiatives for voluntary funding should concern both States parties to conventions and other sources, including in particular the Bretton Woods institutions.

62. Continuing efforts must be made to achieve universal ratification of the various human rights instruments. It should also be borne in mind that some of the treaty bodies had an excessive workload, a matter addressed by the Committee in two decisions, 7 (53) and 8 (53). At their tenth meeting, the chairpersons had endorsed the Committee's views on the matter. Duplication of effort had also been mentioned: committees should confine themselves to their specific sphere and not make incursions into the spheres of activities of other committees.

63. Turning to paragraph 13 of the draft proposal, he said it was essential for the Secretariat to receive additional resources so that it could provide the necessary support to the treaty bodies. That could include the possibility of having one of the staff members on the Global Plan team prepare a preliminary report covering all aspects of States parties' reports so that fundamental issues could be addressed in a report by the rapporteur for the country concerned.

64. The CHAIRMAN expressed surprise at the size of the figures provided for staff assistance. Any State which saw those figures would hardly be inclined to make a voluntary contribution.

65. Mr. van BOVEN said that he doubted whether the figures given corresponded to actual salaries; they probably included other expenses unrelated to salaries.

66. Mr. DIACONU said that the meeting of the chairpersons had been important because there had been such wide participation, particularly by States parties. That might help interest States parties in the work of the Committee.

67. The report of the tenth meeting contained several remarks (paras. 50-53) on reservations to the human rights treaties. It was important to pursue discussion of that subject. The decision of the chairpersons on that question did not seem to be identical with the views of certain members of the Committee.

68. The recommendations contained in the draft proposal appeared to reflect a better awareness of the activities of the human rights treaty bodies and the need to intensify their work. Concerning paragraph 12 (a), however, he doubted that the members of the Secretariat would actually analyse the State party reports and the country situation and prepare recommendations for the treaty bodies. Perhaps all that the Secretariat might be expected to do would be to support the country rapporteurs in carrying out their work. He likewise thought it highly unlikely that staff members would, as suggested in paragraph 13, be able to "undertake basic country research and preliminary analysis of State reports for consideration by the treaty bodies". The Secretariat was not a human rights research institute. Hence the need to amend paragraphs 12 and 13.

The meeting rose at 6.00 p.m.